4788/06 07/11/06 Filed on ... by Shri ... Advocate ... 7/11/06 R. to D.R. (J)

(3)

(1)

Single Bench

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr.R. No. 665 Of 2006.

APPLICANT :- Gulab Yadu, son of Late Bhulehar Yadu, aged about 31 years, resident of Sitapur, Tahsil & P.S. Palari, District Raipur (C.G.).

Received Copy 21/XI/06 CLERK to A. G. BILASPUR

VERSUS

NON-APPLICANT :- State of Chhattisgarh, Through Station Incharge, P.S. Palari, District Raipur (Chhattisgarh),

CRIMINAL REVISION UNDER SECTION 397 READ WITH SECTION 401 OF CODE OF CRIMINAL PROCEDURE.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.Rev.No. 665/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14.02.2007

Shri H.B. Agrawal, Sr. Advocate with Shri J.K. Gupta, counsel for the applicant.

Shri Arun Sao, Govt. Advocate appears for the State.

Arguments heard and record perused.

This revision is directed against the order of framing of charges dated 31.8.2006 passed by the First Additional Sessions Judge, Baloda Bazar, District- Raipur (CG) in sessions trial No. 313/2006, whereby the learned Sessions Judge framed the charges under Sections 450, 506 (II) and 376 (1) of the I.P.C. against the accused/applicant.

The copy of F.I.R. has been filed at page-6 of the paper-book. The F.I.R. would show that it was lodged by the complainant-Puspa Bai, and it contains the name of the present applicant as an accused in the crime. The perusal of report would also show that the prosecutrix makes allegations that she was subjected to forceful sexual intercourse by the applicant after entering into her house on a particular day and the applicant also threatened her for life by showing knife. It is also alleged in the F.I.R. that many times, the applicant committed forceful sexual intercourse against the prosecutrix by threatening her and he had also threatened her for not disclosing this fact to any body else.

In view of the contents of the F.I.R., it cannot be said that the charges framed against the applicant are unfounded and baseless and there appears to be no prima facie case against him.

P.T.O.

(64)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr. Rev. No. 665/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

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	In view of the contents of the F.I.R. lodged by the complainant, I do not find any reason to interfere with the order passed by the Sessions Court regarding framing of charges against the accused/applicant under the aforementioned Sections of I.P.C. The petition has no merits and the same is dismissed.. In view of the above, M.(Cri.)P. No. 2323/2006 for grant of stay of further proceeding stands disposed of. **Sd/-** **Sunil Kumar Sinha** **Judge**	